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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/677,919	10/03/2000	Warren Alan Montgomery	LUC-170/Mon*9	5970
47382	7590	06/16/2005	EXAMINER	
PATTI & BRILL, LLC ONE NORTH LASALLE STREET 44TH FLOOR CHICAGO, IL 60602			ESCALANTE, OVIDIO	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/677,919

Applicant(s)

MONTGOMERY ET AL.

Examiner

Ovidio Escalante

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2005.  
2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4-14,23 and 25-34 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1,4-14,23 and 25-34 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 31 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is in response to applicant's response filed on January 31, 2005. **Claims 1,4-14, 23, 25-34** are now pending in the present application.

#### ***Claim Objections***

2. Claims 8 and 29 are objected to because of the following informalities:

Regarding claim 8, in line 3, "temporally" should be changed to --temporarily-- to correct a typographical error.

Regarding claim 29, line 2, "the number" should be changed to --a number-- for clarity and precision in the claims. Appropriate correction is required.

#### ***Drawings***

3. The drawings were received on January 31, 2005. These drawings are approved.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1,4-8,10,12-14,23,25-28 and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Chan et al. US Patent 6,870,807.

***Regarding claim 1***, Chan teaches a method of filtering an audio stream between a caller in a communication network and a call destination, (col. 4, lines 32-41), sent to the caller's

Art Unit: 2645

audio-capable device (col. 5, lines 37-63; col. 6, lines 13-19; col. 7, lines 18-23) comprising the steps of:

intercepting the audio stream from the call destination at an intelligent network node in the communication network, (col. 4, lines 54-67; col. 5, line 47-col. 6, line 12);

identifying at least one portion of the audio stream for removal, (fig. 3; col. 5, lines 8-46);  
and

removing the at least one portion of the audio stream resulting in a filtered audio stream, (col. 5, lines 47-63; col. 7, lines 18-23).

sending the filtered audio stream to the audio-capable device, (col. 6, lines 13-19; col. 7, lines 18-23).

**Regarding claim 4**, Chan, as applied to claim 1, teaches wherein the step of identifying further comprises the step of determining that the at least one portion of the audio stream contains music, (col. 5, lines 8-12).

**Regarding claim 5**, Chan, as applied to claim 1, teaches wherein the step of identifying further comprises the step of determining that the at least one portion of the audio stream contains speech, (col. 5, lines 8-32).

**Regarding claim 6**, Chan, as applied to claim 5, teaches wherein the step of determining further comprises the step of recognizing that the at least one portion of the audio stream that contains speech matches a template of speech that is stored in a memory, (col. 5, lines 13-33; the template in Chan specifies that music is identified by its frequency characteristics).

**Regarding claims 7 and 27**, Chan, as applied to claim 6, teaches saving in the memory via service provisioning the template of speech to be filtered from the audio stream, (col. 5, lines 8-32; energy that is non-speech and is music is identified by its frequency characteristics).

**Regarding claim 8**, Chan, as applied to claim 5, teaches detecting a signal from the audio capable device, (col. 5, lines 8-32); and storing as a template of speech in a memory the at least one portion of the audio stream that is temporarily associated with the signal, (col. 5, lines 8-32).

**Regarding claim 10**, Chan teaches wherein the signal is based on at least one keypad signal, (col. 2, lines 44-57)

**Regarding claim 12**, Chan, as applied to claim 1, teaches routing the filtered audio stream to at least one other audio-capable device of a plurality of audio-capable devices, (fig. 1; col. 5, lines 3-12,36-46; col. 7, lines 18-23).

**Regarding claim 13**, Chan, as applied to claim 12, teaches wherein the step of routing further comprises the steps of querying a database having at least one pre-provisioned address associated with the at least one other audio-capable devices, receiving the at least one pre-provisioned address in response to querying the database, and sending the filtered audio stream to the at least one other audio-capable device associated with the at least one pre-provisioned address from the databases, (col. 4, lines 42-53; col. 5, lines 47-63; col. 7, lines 18-23).

**Regarding claim 14**, Chan, as applied to claim 12, teaches wherein the step of routing further comprises the step of receiving an indication of the at least one other audio-capable device in response to an audible query, (col. 4, lines 54-67).

**Regarding claim 23**, Chan teaches an apparatus in an intelligent network node in a communication network, that filters an audio stream between a caller in the communication

Art Unit: 2645

network and a call destination (col. 4, lines 32-41; col. 5, lines 37-63; col. 6, lines 13-19; col. 7, lines 18-23) comprising:

a receiver for receipt of the audio stream from the call destination, (col. 4, lines 54-67);

a controller coupled to the receiver that identifies at least one portion of the audio stream that was originally sent to the receiver, (fig. 3; col. 5, lines 8-41); and

a filter coupled to the receiver and the controller that removes the at least one portion of the audio stream resulting in a filtered audio stream, (col. 5, lines 47-63; col. 6, lines 13-19; col. 7, lines 18-23).

***Regarding claim 25***, Chan, as applied to claim 23, teaches wherein the controller identifies the at least one portion of the audio stream contains music, (col. 5, lines 8-12).

***Regarding claim 26***, Chan, as applied to claim 23, teaches wherein the controller the at least one portion of the audio stream contains identifies speech, (col. 5, lines 8-32).

***Regarding claim 28***, Chan, as applied to claim 27, teaches wherein the memory having the at least one template of speech is populated upon initialization of the apparatus, (col. 5, lines 13-33).

***Regarding claim 34***, Chan, as applied to claim 23, teaches a sender for sending the filtered audio stream to the caller, (col. 5, lines 47-63; col. 7, lines 18-23).

### ***Claim Rejections - 35 USC § 103***

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chan in view of Light et al. US Patent 6,349,136.

Art Unit: 2645

**Regarding claim 9**, Chan, as applied to claim 8, does not specifically teach in which the signal is a switch hook signal.

In the same field of endeavor, Light, as applied to claim 8, teaches of filtering music in a conference and wherein a signal is a switch hook signal, (col. 2, lines 14-28,36-44) which initiates the process of filtering the music.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chan by signaling using either a switch hook signal or at least one keypad tone as taught by Light so that the user can signal the system for their desire to control the call.

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chan in view of Gopalakrishnan US Patent 5,848,163.

**Regarding claim 11**, Chan, as applied to claim 5, does not specifically teach determining that a gap in the speech within the audio stream exceeds a pre-provisioned limit.

In the same field of endeavor, Gopalakrishnan teaches determining that a gap in speech within the audio stream exceeds a pre-provisioned limit, (col. 4, lines 43-48).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chan by determining that a gap in speech within the audio stream exceeds a pre-provisioned limit as taught by Gopalakrishnan so that the system can determine the difference between speech in music and pure noise.

9. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chan in view of Marks et al. US Patent 5,844,896.

Art Unit: 2645

**Regarding claim 33**, Chan, as applied to claim 23, teaches wherein the communication network includes a switch which receives the call to the call destination. Chan does not specifically teach of a service control point in the network having only a signaling connection to the switch.

In the same field of endeavor, Marks teaches a service control point in the intelligent network node having only a signaling connection to the switch, (col. 2, lines 20-39; fig. 1);

a service node having a signaling connection to the service control point and a voice connection to the switch, (col. 2, lines 20-58; fig. 1); and

the service node responsive to the service control point to complete placing the call to the call destination, (col. 2, lines 35-44; fig. 1; col. 4, lines 32-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chan by including service control points in the network as taught by Marks so that call triggers/call connection can be handled quickly by the network if the call destination is remote from the caller.

10. Claims 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan in view of Horn US Patent 6,556,670.

**Regarding claims 29 -32**, Chan, as applied to claim 1, teaches providing the communication network with a switch, (col. 4, lines 32-53) and providing the intelligent network node with a service node having a voice connection to the switch, (col. 4, lines 32-53). Chan does not specifically teach recognizing at the switch the number called by the caller and in response routing the call to the intelligent network node.



Art Unit: 2645

In the same field of endeavor, Horn teaches recognizing at the switch the number called by the caller, and in response routing the call to the intelligent network node (col. 3, lines 51-66) and placing the call to the call destination with the intelligent network node, (col. 3, lines 31-66) and the caller sending an instruction to the switch to route the call to the intelligent network node.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chan by having the network node place a call to the destination as taught by Horn so that the caller can connect to the other conferees.

***Response to Arguments***

11. Applicant's arguments with respect to claims 1,4-14, 23, 25-34 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2645

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any response to this action should be mailed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

or faxed to:

(703) 872-9306, (for formal communications intended for entry)

Or:

(571) 273-7537, (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ovidio Escalante whose telephone number is 571-272-7537. The examiner can normally be reached on M-Th from 6:30 to 4:00. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan S Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

Art Unit: 2645

applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**OVIDIO ESCALANTE**  
**PATENT EXAMINER**

*Ovidio Escalante*

Ovidio Escalante  
Examiner  
Group 2645  
June 9, 2005

O.E./oe